THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 14305 of 2006

Oral order:

Assailing the order dated 11.05.2006, passed by the Labour Court, Anantapur, in E.P. No. 9 of 2004 in I.D. No. 234 of 1999, the petitioner, namely M/s. Venson Transports, represented by its Branch Manager, has filed this writ petition.

Respondent No.2-workman, raised an industrial dispute in I.D. No. 234 of 1999, which the petitioner-management contested. The Labour Court, upon considering the material and evidence placed before it, passed award dated 07.05.2002, directing the petitioner to reinstate respondent No.2-workman into service as Driver within one month from the date of publication of the award. As the petitioner, even after publication of the award, did not reinstate respondent No.2-workman, he approached the Labour Officer, who issued notice. The petitioner replied to the said notice stating that respondent No.2-workman may prefer E.P. so that the petitioner can go for a settlement. Hence, respondent No.2-workman filed E.P. No. 9 of 2004 seeking to order for attachment and sale of passenger buses, four in number, shown in the E.P. Schedule if the petitioner failed to pay the E.P. amount of Rs.74,700/-, which is 18 months salary at the rate of Rs.4,150/- per month for the period from 01.10.2002 to 31.03.2004, and to realize the same. The petitioner contested the E.P. by filing counter, *inter alia* contending that since the petitioner did not report for duty, he is not entitled to claim payment of salary from 01.10.2002 to 31.03.2004, and as such, the E.P. filed by him for recovery of the salary for the said period, is liable to be dismissed

Heard the learned counsel for the petitioner and the learned counsel for respondent No.2-workman, and perused the impugned

order.

Admittedly, the Labour Court passed an award directing reinstatement of respondent No.2-workman into service within a period of one month from the date of publication of the award. Despite publication of the award, the petitioner did not implement the award. In those circumstances, the petitioner approached the Labour Officer, who issued notice to the petitioner, and in reply to the said notice, the petitioner issued reply-notice under Ex. M-8, informing the Labour Officer, that they are unable to implement the award of the Labour Court for reinstatement of respondent No.2-workman into service due to lack of vacancies, and that the petitioner had lost confidence in respondent No.2-workman to entrust the work, and accordingly requested the Labour Officer to advise the petitioner to prefer E.P. so that the petitioner could opt for a settlement. Therefore, the petitioner filed the present E.P seeking to order for attachment and sale of passenger buses, four in number, shown in the E.P. Schedule if the petitioner failed to pay the E.P. amount of Rs.74,700/-, which is 18 months salary at the rate of Rs.4,150/- per month for the period from 01.10.2002 to 31.03.2004, and to realize the same. The Labour Court, upon appreciating the material and evidence placed before it, and considering the fact that the petitioner did not implement the award, and on the other hand addressed letter under Ex. M-8, requesting the Labour Officer to advise respondent No.2-workman to prefer E.P. so that a settlement could be arrived, and the petitioner having failed to arrive at any settlement, came to the conclusion that since the petitioner did not implement the award, respondent No.2-workman is entitled to the amounts claimed by him in the E.P., and accordingly passed the impugned order, directing attachment of one of the busses of the petitioner and put the same to auction for realization of the E.P. amount, and no interference is called for with the said order, which is

in accordance with law.

In the above view of the matter, I find no merit in the writ petition, and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Dated: 7th September, 2007
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